

Remarks

In response to the Office Action dated July 24, 2008, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

In the present application the specification has been amended to correct matters of form. No new matter has been added.

Double Patenting Rejections

Claims 1-3, 7, 9-12, 16-18 and 20 stand rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claims 1-2 of U.S. Pat. 6,738,815. Applicants respectfully traverse the rejection.

Claims 1-3, 7, 9-12, 16-18 and 20 stand rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claims 1-7, 11-12, 15-20 and 22-23 of Application 09/892,665. Applicants respectfully traverse the rejection.

U.S. Patent 6,738,815

Obviousness type double patenting requires rejection of an application claim when the claimed subject matter is not patently distinct from the subject matter claimed in a commonly owned patent. A double patenting rejection of the obviousness type is “analogous to [a failure to meet] the non-obviousness requirement of 35 USC 103” except that the patent is not prior art. Therefore any double patenting analysis parallels the factual inquiries under *Graham v. John Deere*.

An obviousness type double patenting rejection should make clear 1) the differences between the inventions defined by the conflicting claims (a claim in the patent compared to a claim in the application) and 2) the reasons why one of ordinary skill in the art would conclude that the invention defined in the claims in issue are obvious variations of the invention defined in a claim of the patent. (MPEP 804(B)(1)).

Applicants respectfully point out that the Office Action merely makes a sweeping conclusory statement that claims 1-3, 7, 9-12, 16-18 and 20 are unpatentable over the claims 1-7 of U.S. Pat. 6,738,815, without any analysis whatsoever. Therefore, as a general point, Applicants respectfully assert that the rejection formally fails to rise to the

standard required for a valid obviousness type double patenting rejection and must be withdrawn.

However, in the interest of an efficient prosecution, Applicants respectfully assert that the claims in the instant application would not be considered to be obvious variations of the patented claims to one of ordinary skill in the art. This is so primarily because the patented claims are drawn to the use of a transaction request broker with which to access legacy systems while the instant claims are drawn to the use of menu driven voice commands. Although both sets of claims are concerned with accessing legacy systems, the use of a transaction request broker is an entirely different technology as compared to a menu driven, voice controlled access system interacting with the user. Claim 1 of the '815 patent and claim 23 of the instant application recite:

6,738,815	09/892,664
1. A method of accessing legacy systems comprising the steps of : receiving at a broker a message requesting legacy systems data; determining by the broker which legacy systems provide the requested data; generating by the broker one or more data requests, depending on which legacy systems provide the requested data, and sending the data requests to an interface process; based on the data requests, conducting at the interface process legacy system transactions with the determined legacy systems to retrieve the data; forwarding by the interface process to the broker the data retrieved from the determined legacy systems; and formatting at the broker the data into a reply message.	16. A method for allowing a user to access data, comprising: logging onto a systems interface to legacy systems; providing a graphical user interface that includes a page for selecting one of the multiple operations provided by the systems interface for the client application and includes a page for each of the multiple operations wherein when an operation is selected the corresponding page is displayed; activating a speech recognition module in response to the request, the speech recognition module including a voice module that accesses a stored separate vocabulary for each of the pages for selecting and performing the multiple operations utilized for generating the legacy transactions on the legacy systems, wherein selecting the multiple operations comprises utilizing a spoken Go To command in a speech input for navigating to a search page and selecting an operation for retrieving client account information, and wherein performing the multiple operations comprises inputting the client

	<p>account information based on spoken words as a voice input to complete at least one of a plurality of data fields, wherein inputting the client account information to complete at least one of the plurality of data fields comprises utilizing a TAB command in the voice input to navigate among the plurality of data fields;</p> <p style="padding-left: 20px;">receiving spoken words as the voice inputs from the user;</p> <p style="padding-left: 20px;">converting the voice inputs to a user request by using the separate vocabulary corresponding to the page that is displayed;</p> <p style="padding-left: 20px;">sending the user request to the systems interface; and</p> <p style="padding-left: 20px;">receiving data from the systems interface in response to the user request.</p>
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It is clear from the comparison of independent claim 1 of the ‘815 patent and independent claim 16 of the instant application that claim 1 of the ‘815 patent fails to recite claim elements recited in claim 16 and vice versa. In fact the claims each recite completely different subject matter.

For example, claim 1 of the ‘815 patent recites the following claim elements, among others not found in claim 16:

- “...receiving at a broker a message requesting legacy systems data ...”;
- “...determining by the broker...the requested data...”;
- “...generating by the broker one or more data requests...”;
- “...[the broker]...sending the data requests...”;
- “...forwarding...to the broker the data retrieved...”; and
- “...formatting at the broker the data...”.

Conversely, claim 16 recites the following claim elements, among others, not found in claim 1 of the ‘815 patent:

- “...logging onto a systems interface to legacy systems...”;
- “...providing a graphical user interface...”;

“...activating a speech recognition module in response to the request...”;

“...selecting multiple operations comprises utilizing a spoken Go To command...”;

“...inputting the client account information to complete at least one of the plurality of data fields comprises utilizing a TAB command ...”

“....receiving spoken words as the voice inputs form the user...”; and

“...converting ...by using the separate vocabulary...”.

Applicants respectfully point out that the use of voice inputs is not recited or suggested in claim 1 of patent ‘815, nor is it recited or suggested that the user uses GO To or TAB command. Contrarily, claim 1 of patent ‘815 recites that a broker determines which legacy system to access based on information from a received message.

Because of the multitude of differences between claim 1 of the ‘815 patent and claim 16 of the instant application, particularly in the collective sense, Applicants respectfully submit that claim 16 of the instant application is not merely an obvious variation of claim 1 of the ‘815 patent under a *John Deere* analysis. (MPEP 804). Therefore, for at least the above reasons, the obviousness type double patenting rejection against independent claim 16 is improper and should be withdrawn.

Independent system claims 1, 7, and 12, of the instant application recite similar subject matter in regards to the voice/speech recognition recited in independent claim 16. Independent system claim 3 of the ‘815 patent recites similar subject matter in regards to the broker mode of operation recited in independent claim 1. Therefore, the same arguments, *supra*, apply to claims 1, 7 and 12. As such, the obviousness type double patenting rejections against claims 1, 7 and 12 are also improper and should be withdrawn. Claims 2-3, 9-11, 17-18 and 20 depend from an allowable claim 1, 7 or 12 and are allowable for at least the same reasons.

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Claims 1-3, 7, 9-12, 16-18 and 20 also stand **provisionally** rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-7, 11-12, 15-20 and 22-23 of U.S. Patent Application 09/892,665 to Smith, filed June 28, 2001.

Because application 09/892,665 has not been allowed, the obviousness-type double patenting rejection is premature. As such, Applicants have chosen not to file a terminal disclaimer herewith until such time that application 09/892,665 is allowed. (MPEP 804(I)(B)).

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

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Respectfully submitted,

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